

1 BARRY J. PORTMAN
Federal Public Defender
2 LARA S. VINNARD
Assistant Federal Public Defender
3 160 West Santa Clara Street, Suite 575
San Jose, CA 95113
4 Telephone: (408) 291-7753
5 Counsel for Defendant RONALD EGBERT



6
7
8 UNITED STATES DISTRICT COURT
9 NORTHERN DISTRICT OF CALIFORNIA
10 SAN JOSE DIVISION
11

12 UNITED STATES OF AMERICA,
13
14 Plaintiff,
15
16 v.
17

Case No.: CR 11-00163 PSG

**STIPULATION TO CONTINUE
HEARING AND EXCLUDE TIME;
[PROPOSED] ORDER**

15 RONALD EGBERT,
16
17 Defendant.
18

Honorable Paul S. Grewal

19 Defendant Ronald Egbert and the government, through their respective counsel, hereby
20 stipulate that, subject to the Court's approval, the hearing in the above-captioned matter, presently
21 scheduled for Friday, July 15, 2011 at 2:30 p.m., be continued to Friday, August 5, 2011, at
22 2:30 p.m. The continuance is requested because the defense requires additional time for
23 investigation and preparation, specifically with respect to Mr. Egbert's medical concerns. The
24 parties further agree that time should be excluded under the Speedy Trial Act because the ends of
25 justice served by granting the requested continuance outweigh the interest of the public and the
26

defendant in a speedy trial. The failure to grant the requested continuance would deny defense counsel reasonable time necessary for effective preparation, taking into account the exercise of due diligence, and would result in a miscarriage of justice. The parties therefore stipulate that this exclusion of time should be made under 18 U.S.C. §§ 3161(h)(7)(A) and (B)(iv).

Dated: 7/13/11

/s/
LARA S. VINNARD
Assistant Federal Public Defender

Dated: 7/13/11

/s/
JEFF SCHENK
Assistant U.S. Attorney

[PROPOSED] ORDER

The parties have jointly requested a continuance of the hearing set for Friday, July 15, 2011 at 2:30 p.m., to allow additional time for defense preparation and investigation. GOOD CAUSE APPEARING, IT IS HEREBY ORDERED that the hearing date presently set for July 15, 2011, is continued to Friday, August 5, 2011, at 2:30 p.m.

Accordingly, for good cause shown, the Court HEREBY ORDERS that time be excluded under the Speedy Trial Act from July 15 to August 5, 2011. The Court finds, based on the aforementioned reasons, that the ends of justice served by granting the requested continuance outweigh the interest of the public and the defendant in a speedy trial. The failure to grant the requested continuance would deny defense counsel reasonable time necessary for effective preparation, taking into account the exercise of due diligence, and would result in a miscarriage of justice. The Court therefore concludes that this exclusion of time should be made under 18 U.S.C. §§ 3161(h)(7)(A) and (B)(iv).

Dated: 7/13/2011


PAUL S. GREWAL
United States Magistrate Judge